

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ROY CHEESMAN,

Plaintiff,

vs.

COMMUNITY HEALTHCARE OF  
CENTRAL WASHINGTON,

Defendant.

NO. CV-09-3001-LRS

ORDER OF DISMISSAL

On January 4, 2009, plaintiff Roy Cheesman filed a pro se Complaint with this Court against the Community Healthcare of Central Washington. (Ct. Rec. 4). Under 28 U.S.C. §1915, district courts are required to screen *pro se* complaints for legal and factual sufficiency. On April 17, 2009, the Court conducted the required screening. Plaintiff states that the district court has jurisdiction under 28 U.S.C. § 1331, which reads:

Federal question

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

The Court determines that Plaintiff's Complaint fails to comply with Federal Rule of Civil Procedure 8(a) and fails to state a claim(s) for which federal jurisdiction lies. This action does not

1 arise under the Constitution, laws, or treaties of the United  
2 States. Rather it appears to allege a state law claim, i.e., tort  
3 of defamation.

4 When a complaint is dismissed under section 1915(e), the  
5 plaintiff should be given leave to amend the complaint with  
6 directions as to curing its deficiencies, unless it is clear from  
7 the face of the complaint that the deficiencies could not be cured  
8 by amendment. *Noll v. Carlson*, 809 F.2d 1446, 1448 (9<sup>th</sup>  
9 Cir.1987)(dismissal for failure to state a claim). The Court finds  
10 that the deficiencies herein cannot be cured by amendment. The  
11 Court hereby dismisses Plaintiff's action without prejudice.

12 **IT IS HEREBY ORDERED:** Plaintiff's action is **DISMISSED** without  
13 prejudice.

14 **IT IS SO ORDERED.** The District Court Executive is directed to  
15 enter this Order, enter judgment accordingly, provide a copy to  
16 plaintiff, and **CLOSE THIS FILE.**

17 **DATED** this 20th day of April, 2009.

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19 *s/Lonny R. Suko*

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21 LONNY R. SUKO  
22 UNITED STATES DISTRICT JUDGE  
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